- 1 -

Document 1

Case 5:08-cv-03428-RMW

Filed 07/16/2008

Page 1 of 8

	appeal at each level of review	. If you did not pursue a cer	rtain level of appeal,
	explain why.	X	
	1. Informal appeal	N/A	
	formal level		
	· · · · · · · · · · · · · · · · · · ·		
	3. Second formal level		
	formal level		
		<u> </u>	
	,		
E.	Is the last level to which you ap	ppealed the highest level of	appeal available to
	you?		
	YES() NO ₩		
F.	If you did not present your claim		
	by "THIS COMPLAINT		
OFFIC	ER WHO BEAT ME DO		SON
	SAN FRANCISCO I		
	DINO Hariopse	WN FOR NO KEAS POLICE DEPARTME	TIE
II. Раз	rties		tre
II. Par A.		Police DEPARTME	
	rties	Police DEPARTME	
	Write your name and your present any.	POLICE DEPARTMENT OF THE SAME FOR SERSON - F 76	or additional plaintiffs,
	Write your name and your present any.	POLICE DEPARTMENT OF THE SAME FOR SERSON - F 76	or additional plaintiffs,
	Write your name and your pressif any. GREGORY ROSAN QUENT	Police DEPARTME	or additional plaintiffs,

	place of employment.
	HA# 212, SHATLOW# 292, SHINDON# 86,
	SGT-PHILPOH # 925, AND CHIEF OF POLICE, ALL
	IS EMPLOYED AS POLICE OFFICERS, IN THE CITY OF
	SAN FRANCISCO, CALIFORNIA.
5	tatement of Claim
ט	
	State here as briefly as possible the facts of your case. Be sure to describe how each
	efendant is involved and to include dates, when possible. Do not give any legal arguments or
	ite any cases or statutes. If you have more than one claim, each claim should be set forth in a
se	eparate numbered paragraph.
_	
_	(SEE Attached SHEETS).
_	
	(SEE AHACHED SAN FRANCISCO POLICE)
_	REPORT
	(#08-0624482)
_	
-	
7	n.v.n
V	
•	Your complaint cannot go forward unless you request specific relief. State briefly exactly
≀h	at you want the court to do for you. Make no legal arguments; cite no cases or statutes.
00	OMPLAINT - 3 -

(SE	E Attached	L SHEET)	
I declare under per	nalty of perjury that the	foregoing is tre	ne and correct.	
Signed this	TH day of	TULY	,20 <u>08</u>	
	Due	Jus Ral	hu	
	(Plaintiff's	signature)		
			The special section is	
	,			

COMPLAINT

* STATEMENT OF CLAIM *

- 1. 6-14-08, AROUND 9:25 PM, IN THE CITY OF SAN FRANCISCO, I WAS WALKING NORTHBOUND, ON ELLIS STREET.
- 2. As I was walking, I SEE THE City Bus, (27TH BRYANT), GETTING READY TO MAKE A STOP TO PICK UP PASSENGERS AT THE BUS STOP AND I STARTED RUNNING TWARDS THE BUS.
- 3. AS I WAS RUNNING FOR THE BUS, TWO POLICE OFFICER'S CAME AROUND CONNER-RUNNING WESTBAND ON THE SOUTH SIDE OF ELLIS STREET-TOWARDS ME WITH THEIR BATON'S COCKED BACK IN THERE HAND, READ TO STRIKE ME.
- 4. ONCE I Motice THIS, I TURN AND START RUNNING TOWARDS TAYLOR STREET. AFTER I TOOK About 4 STEPS, SOMETHING BLACK GRAZED ME ON THE RIGHT SIDE OF MY HEAD, AND FELL DOWN TO MY KNES
- 5. WHILE DOWN ON MY KNEES, I TURNED AROUND A BRIEF SECOND AND ALOT of POLICE WAS RUNNING REAL FAST TOWARDS ME, AS I STARTED TO LAY ON THE GROUND, I FELT BLOWS TO MY RIGHT HAND, AND MY LEFT EBOWS.

- 6. WHILE I LAYED ON THE GROWD, I COURSED MY FACE WITH BOTH HANDS, AS I WAS BEING KICKED IN THE LEFT SIDE. AND STOMPED IN THE BACK.
- 7. I FELT THE OFFICER'S BATONS HIT ME IN THE LEFT HAND, BACK (CENTER). BOTH ELBOWS, BOTH KINDES, SIDE OF THE FACE, FINGER ON RIGHT HAND STEPPED ON, ARMS (LEFT & RIGHT) WAS TWISTED,
- 8. AFTER BEING BERTEN, KICKEL & STOMPER, WHILE STILL LAYING FACE DOWN, SOMEONE STARTED CHOKING ME AND PULLING MY HEAD BACK ALL AT ONCE. SOMEDODY CALLED OUT: WHERE'S THE DRUGS AT !!!
- 9. THEN ONE OF THE OFFICER'S, SAID REAL LOUD. "HE'S GOT A GUN". RIGHT
 THEN I HEARD About 5 WEAPON'S CLICK. I
 THOUGHT RIGHT THOW, I WAS GOING TO BE SHOT
 AND KILLED. MY HEART STARTED TO BEAT REALLY
 FAST. I REALLY THOUGHT I WAS GONNA DIE.
 - 10. About 20 to 25 MINUTES LAPSED BEFORE
 A MEDICAL RESPONSE (EMT) CAME TO Attend
 TO ME. THEN I WAS TRANSPORTED TO
 SAN FRANCISCO GERIERAL HOSPITAL.





1. Puntive DAMAGES, IN THE AMOUNT OF \$ 875,000 00, FOR WHEN OFFICER'S SY, SHARLOW, RUETT, BENZIGER, SHINPORT, PETROSSIAN, & LEE, USED EXCESSIVE FORCE. WHEN THEY BEAT WITH THEIR BATONS. THAT CAUSE THESE INJURIES.

RIGHT SHOULDER, RIGHT & LEFT ELBOWS, RIGHT HAND 3 FINGERS-DISLOCATED, LEFT SIDE HEAD!

SKIULL FRACTURE, BACK SPASM, RIGHT & LEFT KINEE,

MOBILITY PROBLEMS IN RIGHT ARM, WRIST-POOR

BLOOD CIRCULATION-DUE TO HANDCUFTS BEING

TIGHT TO FULLIST, BLURR VISION-FROM BEING

HIT IN LEFT EYE BY OFFICER SY, BEFORE I WAS

SLAMED TO PAVEMENT.

2. COMPENSATORY DAMAGES, IN THE AMOUNT OF \$625,000 00, FOR THE PAIN & SUFFERING, UNDUE STRESS, MENTAL ANGUISH, MALICE, RECKLESS NESS BEHAVOR, FILING FALSE COMPLAINT, THAT OFFICED'S: SY, SHARLOW, RUEHI, LEE, BENZINGER, SHINPORT, & PATROSGIAN, WHEN THEY MADE THE STATEMENT: HE'S GOT A GUN, PUT MY LIFE IN GREAT DANGER. ... I THOUGHT I WAS GOING TO BE KILLED, BY BEING SHOT!!!

11. ONCE I APRIVED AT SANFRANCISCO GENERAL HOSPITAL, EMERGIENCY ROOM "Doctor's ONLY CHECKED TO SEE IF I HAD INGESTED DRUGS (SWALLOWED) IN MY Stomach; WHICH WAS MONE NEVERED Found.

12. EMERGENCY ROOM - Doctor's NEVER TREATED ME FOR MY INJURIES WHICH I SUBSTAIN FROM THE BEATING THAT THE 5- SAN FRANCISCO POLICE OFFICE'S DID TO ME. NO PHOTO'S WERE TAKEN OF ME AT THE HOSPITAL, OR ON THE STREET WHERE I WAS BEATEN AT BY SAN FRANCISCO-POLICE TECHNIONS.

13. THEN I WAS TRANSPORTED TO SAN FRANCISCO -City Jail: (Still IN PAIN FROM MY INJURIES), WHERE I WAS CHARGE WITH "JAYWALKING" AND RESISTING ARREST: "AND NO DRUG OFFENSE'S

14. ALL MY MONEY " 631.11" And JEWELY RINGS WERE TAKEN FROM ME AND I WAS NEVER GIVEN A PROPERTY RECIPT SUP.

15. ALL THE SAN FRANCISCO - POLICE OFFICER'S NAME IN THIS COMPLAINT ACTED & BEHAVE IMPROPERTY, WHEN I WAS BEATEN F. Just Cause. You Must Investigate

THANK YOU.

7-7-08 grupus Re

CA Form Booked
Copy Alesched

	cident Number Occurrossa from Data/Tissa 80-824-482						OCCUPANCE TO DESCRIPTIONS				Reported Date/Time			CA	CAD Nesher				
FRA	no of lacidos	etayin	g, or Ob	structing	Per	ce Office	er Duti	_	-27170, a basessection				Arrei	et -650	10.	Parole	Violation,	101110000	
	Nie St	Acres		Suspect		Support		Nun-	aylor Stre	Den	ecshe	(Тура		elk) capon Us	ed)		Reporting U	,ir	
	post?	Made	, 3	Known?		Unknown!		Incid	व्यारी _	Vie	lonco	, C					3,41E	-18	
THE OWNER OF THE OWNER OWNER OF THE OWNER OWNE	v Clowed?	Re	ported to Dr	West	Nen		1	ur	Date/	76	••	Elder Victin		Gang Related?		Javenily Subject? [Projuctos Based?		
DE	i decien	under Von sni	pensity o	Bowing a	n inve	stigation d	3 d the o	venti	e is true q and parti	727	rook	bootd o	ny			swiedye.	or is based	en	
CLA	PROP 1	Officer	10 House	POST	TRAIN	Star 1238	Statio	-	Walch Date										
RA	R Reviewing Offices STAR I						Feeden Tenderloin Station			Water 2100-0700			Detra listos						
E A	OIC STAIR STAIR									Station 2100-0700				-					
0	Related Case Related Case Ro-Assigned to GTF Copies to 5G200 4A300 Val										n Co		Asig	acd by	TL	#1838	****		
	Copies to 5G200 4A300 Varies Add Copies DA-2/OR-2 Code Name (Last, Piret Middle) R 1 SFPD: Los #1838, Petroseign #1220												-						
	Day Phone								City				S	tą 10	12	ip Code	-		
7	Night Phot	Night Phone Type Wark Address Wark Eddy Str						sel			City San Francisco				A		ip Cede 4102-		
	DOB /	Age	DOB Unk.	or alto pero	-	Rase	Sex	Ho	ele We	ent	-		ye Co			e horise.	DNo.	-	
	Confidential Violent Crosse 293 PC Star						Star		Pallow-up YES	-	TIME Statement Relationship to Subject YES Stranger/None								
	School (if	evenit)	300	uty/[restm	ent					Islam		vif tarerpre	-						
	Code B 1		ar, First N								-		T	ZALIA					
	Day Phone		Type Refuse	Hom	e Addr	:04					City Oakland			State Zip C		ip Code			
	Night Phone Type Work Address N/A									1	City		-	le	Z	Zip Coda			
1	DOB Unknown		ale of Birth /1/90	1 Age		or age been ben	(CBA)	Rai	oc Sex		Haig 6'01			Heir Cal	ər		re Calor RO		
	SFNO	_	(if Jovi.)	ID Type/Je	100	os/Number		I	Type/Junio	diction	Na		Ti	D Type/	urise: CA	crion/Num			
	Bank Scenius #1 Bank Service A Bank Bank Service Bank Bank Bank Bank Bank Bank Bank Bank									-	-	Section #5	-	Book	ng L	beation			
	1						Earnette ID					Tenderloin Station CWB Check Sour							

Book/Che Approvel Star Mass Arrest Code M X-Rays School (if Juvenile)

Sgt. Philpott B25

Cher Information: Chatles/Wormen/Booking Charge(s)/Missing Person-Subject Description: Scars, Marks, Tatoos

LSW: Bik jacket, White 1-shirt, blu jeans. CDC#F78046

Document 1-2 Filed 07/16/2008 Page 2 of 8 Case 5:08-cv-03428-RMW JUN-16-2008 09:03 BAY AREA LEIU TEAM rrancisco Police Departmet 080624482 PROPERTY LISTINGS Model CodeNe **New Description** Incident Report Statement EVD 1 Value Narcotion Lab No. Quantity Color Caliber **Oun Make** Serial No. WHI From Where Seized by (Star) Officer Sharlow #292 at Tenderlain Station 1838 Additional Description/Identifying Nurabora Officer Sharlow wrote a statement of events during the above listed incident. Medel Brand hem Description Code/No E Incident Report Statement EAD 5 Nercotton Lab No. otity Value Color Gun Make Strial No. From Where Seized by (Star) Officer Sy #1764 at Tenderloin Station 1838 Additional Description/Identifying Numbers Officer Sy wrote a statement of events during the above fisted incident. Model Brand Ben Description Code/No E Property Receipt EVD 3 Value Navgotics Lab No. Quantity Color GLD Serial No. Gun Make Catiber From Whore Sejami by (Star) (B1) Roberson at Tenderloin Station 1220 Additional Description/Identifying Numbers Denomination: 4x\$100.00 bills, 11x\$20.00 bills, 1x\$10.00 bills, \$1.11 coins. Model Resu Description Brand Code/Ne Value Calor Narcotics Lab No. Quantity Caliber Gun Make Seriet No. From Where Serized by (Star) Additional Description/Identifying Numbers Model Brand hem Description Code/No Value Gun Make Calibor Calor Neveotics Lab No. Quantity Serial No. From Where Scizzat by (Star) Additional Description/Identifying Numbers Model hem Description Code/No Gun Make Caliber Calor Narconics Lab No. Quality Value Serial No.

Vulue

Model

Quantity

Brand

Nurcotics Lab No.

Calor

Caliber

Svized by (Star)

Code/No

Serial No.

Seized by (Star)

From Where

Additional Description/Identifying Numbers

Additional Description/Identifying Numbers

News Description

From Where

Gun Make

080624482

San Francisco Police Department
NARRATIVE

On 08-14-2008 at approximately 2139 hours. Officer Petrossian #1220 and I were walking a foot beat in full police uniform at the ____ block of Ellis Street. We were walking on the southside of Ellis Street heading southbound when we observed a subject, later identified as (B1) Gregory Roberson, jaywalking from the southside of street to the northside. The road conditions were clear and dry and there were no obstructions blocking our view. It should be noted that this area is known for high narcotics traffic.

Officer Pertrossian and I followed behind Roberson to affect an investigation for the violation of 21955 CVC - pedestrian jaywalking. As we got within approximately teen feet of Roberson, I announced myself as a Peace Officer and ordered him to stop so we can speak with him. I observed Roberson turn his head slightly to the right towards us and then he began to run from the northside of Elis Street to the southside. I again order Roberson to cease his movement and comply to my commands with negative results.

While chasing after Roberson, I observed 3J42E and 3J43E Officers 8y #1764, Ruetti #621? Benzinger #549, Sharlow #292, and Shinbort #66 running westbound on the southside of Ellis street towards us to assist in with the arrest. Roberson continued running eastbound on the southside of Ellis Street and reached into the rear of his pants with his right hand. Based on our combined training and experience, furtive movements like that from people fleeing from the police are known to carry weapons. I then heard someone say, "He's got a gun!" at which point Officer Sharlow grabbed his department issued baton and attempted to deliver a single zone two strike to Roberson. Roberson turned and moved away from Officer Sharlow's baton and dodged the strike. Officer Sy feared that Roberson had a weapon in his waistband as he ran by, so Officer Sy grabbed his baton and delivered a single strike to Roberson's left arm (Zone 1). However, Roberson continued to flee from us.

Roberson was then assisted to the ground by Officer Ruetti where he resisted violently and refused to be handcuffed. Roberson pulled his arms away from the arresting officers and attempt to tuck them towards his stemum area. With the assistance of other Tenderloin Station units who later responded, Roberson was finally handcuffed and placed under arrest. 3J91 Officer Ha #212 transported Roberson to Tenderloin Station where he was later booked for the above risted charges with the approval from Sgt. Philipott #925. Sgt. Philipott was advised about the incident at the scene and logged the use of force.

Upon arrival to Tenderloin Station, Officer Sharlow provided a statement of the incident in (E1) Incident Report Statement. Officer Sy also provided me an (E2) Incident Report Statement. I booked both (E1) and (E2) into evidence at Tenderloin Station. It should be noted that Roberson had \$631.11 US Currency in his pockets and has had numerous prior narcotics arrests. Officer Petrossian gave Roberson (E3) property receipt for the US Currency and later booked it into evidence at Tenderloin Station. Officer Petrossian issued an administrative citation #005976843 for the jaywalking violation - 21955CVC.

Officer Petrossian later contacted GTF Espinoa #898 and Barcena #1715 and informed them about the above listed incident. Officer Barcena contacted Lt. Agent Tang #1814 who approved the parole-hold on Roberson.

Page 4 of 8 Case 5:08-cv-03428-RMW Document 1-2 Filed 07/16/2008

JUN-16-2008 09:03 Jun. 15. 2008 17:58AM P^ AREA LEIU TEAM

A: 1.05	r. 4

SAN FRANCISCO F	POLICE DEPARTM	ENT		INC	IDENT RI	EPORT STAT	EMENT	-1. <u>1.</u>	
0 8 0 6	2 4 4 8	2							
HAME (LASY, FIRST, MIDDLE	E) OF PERSON GIVING ET	TEMENT		DOBIAGE	MESIOENCE	HOME (DAY / NIGHT)	OUSINESS	PHONE (DAY/NIGHT)	
SHARLOW #292	y of not ean francisco		20° COO	8 BUDI	1888 ADDRESS	CITY IF HOT SAN FRAN	icisco	SD CODE	
DAYE OF STATEMENT	2200 HRS	2230	and the same of th	AT SCENE OTHER: CO J					
STATEMENT TAKEN BY (NA	ME / STAR) 292	OFF. S	NCE OF HARLOW	292	ESC.				

On 06/14/08 at approximately 2139 hrs Off. Benzinger #549 and Off. Shinbori #86 and I were walking a foot patrol in full police uniform. We were in the area of Taylor St and Ellis St when I heard over the radio of a foot chase. The suspect was running E/B Ellis St towards Taylor St. I immediately looked up and saw Off. Lee chasing after the suspect later identified as Roberson.

I immediately draw my department issued Baton and ran W/B on Ellis St after Roberson. Roberson dropped his jacket and began running in-between cars. Roberson being chased by multiple Officers ran towards me attempted to charge at me. During this time another Officer called out "he's got a gun". I observed Roberson reaching in the back of his waistband. I attempted a zone two strike on Roberson, Roberson turned and moved out of the way of my baton. My baton didn't have any contact with Roberson. I then returned my Baton to its ring on my belt and drew my department issued firearm. Roberson was soon apprehended at the corner of Ellis St and Taylor St.

I notified Sgt. Philpot #925 of this incident and It was entered into the use of force log.

GP PD 377 G (06/33)

THE STARTED

2210 HRS

JUN-16-2008 09:03

DATE OF STATEMENT

STATEMENT TAKEN BY (HAME / STAR)

6/14/08

BAY AREA LEIU TEAM

TIME COMPLETED

HRS

LOCATION WHERE STATEMENT TAKEN

AT SCENE

OTHER: CO.J

INCIDENT REPORT STATEMENT SAN FRANCISCO POLICE DEPARTMENT page 1 of _____ INCIDENT NO. 0 8 0 6 2 4 4 DOBIAGE RESIDENCE PHONE (DAY / NIGHT) BUSINESS PHONE (DAYMIGHT) NAME (LAST, FIRST, WEDDLE) OF PERSON DIVING STATEMENT (415) 3457300 SY, JOSELITO BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO SID COOK ZUP CODE 94102 301 EDDY STREET

W PRESENCE OF

On Saturday, 06/14/08 at approximately 2139 hours Off. Ruettl #292 and I were on foot patrol in full police uniform wearing our service cap. Off. Ruettl and I responded to Eddy and Taylor Streets to assist 3J41E Officers Petrossian #1220 and Lee #1838 regarding a black male that ran off from them.

Officer Ruetti and I were walking on the south side of Ellis (___ block) at Taylor Street when I saw Officer Lee chasing a black male wearing a black jacket with white t-shirt inside running on foot on Ellis towards Taylor Streets (north side of Ellis).

Officer Ruetti and I attempted to detain the male later identified as (B1) Roberson on the south side of Ellis, in front of Ellis Street. Roberson failed to comply to our request to stop, while he reached with his right hand to his right side waist area. Based on my training and experience people that run away from the Police and reach around their waist area are known to carry weapons. I heard someone yell out that Roberson had a gun. Fearing that Roberson had a weapon on his waist band area I grab my baton and swung at Roberson (Zone 1). Off, Ruetti and I along with the other officers that responded were able to detain and assist Roberson to the ground safely on Taylor Street. While on the ground Roberson tensed his arms and tucked both of arms under his body, refusing to be placed in handcuffs. Roberson was finally placed in handcuffs without further incident.

3J106, Sqt. Philpott #925 was advised and logged the use of force.

Oue to Roberson resisting arrest I obtained a light abrasion approximately 2 inches on the right side of my forehead. At this time I refused to seek immediate medical attention.

FOECLARE, UNDER PENALTY OF PURJURY, THIS STEVENENT OF

PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

6440 377 G (06/93) "

PROPERTY RECEIPT FORM

RECEIVED	PHOM D - 9 / A S	6/14/08	08665AA85	
(YEM(B)	ROBERSON, CAMEGORY		• .,	
1.				
2	us: lumancy			
3.		1-10		
4.	4 x \$ 100.00 = \$ 400.00			
5	11 x \$ 20.00 = \$ 226.00			
6.	1 x # 10.00 = # 10.00			-
7.	CO IN = 8 1.11			
9.				
9.	TOTAL = \$631.1	1		
10.				_
II.	ACCEPTINE PROPERTY (SIGNATURE) WITHESS STIGNATURE	REI 2050	RECEIVED FROM (SUCHATURE)	
5	E 1274 N. C.	7030	SFPO-315 (REV.DG.	100



